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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,714	08/25/2003	Gerardo Orozco Abundis	200205562-1	6169

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EXAMINER

WILLIAMS, KIMBERLY A

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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12/26/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/649,714	Applicant(s) ABUNDIS ET AL.	
	Examiner Kimberly A. Williams	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,13-16,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 9-12,18 and 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicants please note that a new examiner has been assigned to this application.

Claim Objections

1. Claim 12 is objected to because of the following informalities: it depends from canceled claim 17. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7,13-16,19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin (US 6301061).

Regarding **claim 1**, Lin teaches a method for scanning media comprising: positioning a medium (document on glass 1) having a target surface proximate to a surface of a scanner (sensing element 4); interposing a focal point shifter (t1-t3) between said surface of said scanner (4) and said target surface (document on glass 1); and refractively (via lens t1-t3) shifting a focal point (d1-d3) of light of the scanner from a point proximate to said scanner surface to a point proximate to said target surface (figs. 4-8).

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Regarding **claim 3**, Lin teaches pressing said target surface (document on the glass) toward a first surface of said shifter (inherently taught by either a scanner lid or the disclosed frame (col. 3, lines 12-15)).

Regarding **claim 4**, Lin teaches shaping said shifter such that it operates as a lens (t1-t3).

Regarding **claim 5**, Lin teaches maintaining a separation between said shifter and said surface of said scanner (4) to minimize interference effects (taught by the disclosed frame to avoid Newton ring (col. 3, lines 12-18)).

Regarding **claim 6**, Lin teaches maintaining a separation between said shifter and said target surface (document on glass) to minimize interference effects (taught by the disclosed frame to avoid Newton ring (col. 3, lines 12-18)).

Regarding **claim 7**, Lin teaches a device for use in the scanning of media comprising: means (lens t1-t3) for shifting a focal point (d1-d3) of a scanner (4), the means interposed between a scanner surface and a target surface (document on glass); and means (inherently taught by either a scanner lid or the disclosed frame (col. 3, lines 12-15)) for orienting a medium to said shifting means, wherein said shifting means refractively (via lens t1-t3) moves the intended scanning area of a scanner from an area proximate to said scanner surface to an area proximate to said target surface (figs. 4-8).

Regarding **claim 13**, Lin teaches means (glass 1) for keeping said shifting means (t1-t3) from touching the scanner surface (4).

Regarding **claim 14**, Lin teaches means (glass 1) for keeping said shifting means (t1-t3) from touching the target surface (document on the glass).

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Regarding **claim 15**, Lin inherently teaches a backlight positioned on an opposite side of said medium from said scanner surface as evidenced by the fact that positives and negatives are scanned (col. 2, lines 66-67).

Regarding **claim 16**, Lin teaches a system for scanning media comprising: a scanner (4) to scan a target surface of a medium (document on glass 1); and a focal point shifter (lens t1-t3) interposed between a surface of the scanner and the target surface (document on glass) wherein said shifter refractively moves an optimal point (d1-d3) from a point proximate to said scanner surface to a point proximate to said target surface.

Regarding **claim 19**, Lin inherently teaches a lid that closes over the medium pressing the target surface toward the shifter as lids are a part of a flat bed scanner.

Regarding **claim 20**, Lin teaches a surface of said shifter is adapted to match said target surface (both the document on the glass and the lenses t1-t3 match in that they are flat).

Allowable Subject Matter

4. Claims 9-12, 18 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly A. Williams whose telephone number is (571) 272-7471. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimberly A Williams/
Primary Examiner, Art Unit 2625

KAW
December 21, 2009